

From: [Valmichael Leos](#)
To: [Steven Wiener](#)
Subject: Fw: Status - San Jacinto Waste Pits Fence
Date: 04/28/2010 03:34 PM

fyi

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----- Forwarded by Valmichael Leos/R6/USEPA/US on 04/28/2010 03:34 PM -----

From: "Shafer, Andrew" <DShafer@wm.com>
To: Valmichael Leos/R6/USEPA/US@EPA, Stephen Tzhone/R6/USEPA/US@EPA, <snehal.patel@cao.hctx.net>, "O'Rourke, Terence (CAO)" <Terence.O'Rourke@cao.hctx.net>
Cc: "Smith, March" <msmith4@wm.com>, "Chin, Francis" <FChin@wm.com>, "Al Axe" <aaxe@winstead.com>, "Phil Slowiak" <philip.slowiak@ipaper.com>, "John Cermak" <Jcermak@bakerlaw.com>, "Steve Ginski" <Steve.Ginski@ipaper.com>, "David Keith" <dkeith@anchorqea.com>, "Wendell Mears" <wmears@anchorqea.com>, "Haldin, Kenneth" <KHaldin@wm.com>
Date: 04/28/2010 03:31 PM
Subject: Status - San Jacinto Waste Pits Fence

The West bank fence was completed, signs posted and the two gates locked on April 16th. The completion of the East bank fence was delayed because of the requirement by Exxon to install an approximately 95 ft long shallow strip concrete footing where the fence crossed over their five pipelines. As of today, the East bank fence is complete with all signs posted. We are scheduled to meet with TXDOT, CWA, and Harris County tomorrow morning at 10:00 am to lock the gate. If you have any questions or require additional information, please give me a call. Thanks and best regards,

Drew

PLEASE NOTE MY NEW CONTACT

INFORMATION!!!

Andrew L. Shafer, P.E.
District Manager, Closed Sites Management Group
9590 Clay Road
Houston, TX 77080

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From: Nann.Barbara@epamail.epa.gov [mailto:Nann.Barbara@epamail.epa.gov]
Sent: Wednesday, April 28, 2010 12:38 PM
To: David Keith
Cc: Al Axe; Shafer, Andrew; Chin, Francis; John Cermak; John Laplante; John Verduin; Smith, March; Phil Slowiak; Steve Ginski; Leos.Valmichael@epamail.epa.gov
Subject: RE: San Jacinto TCRA SOW

Based on the current circumstances, EPA is extending the deadline for submittal of the signed AOC. The deadline will now be COB Friday, April 30, 2010.

Barbara A. Nann
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RE: San Jacinto TCRA SOW

David Keith

to: Barbara Nann

04/27/2010 04:43 PM

Cc: "Al Axe", "Andrew Shafer", "Francis Chin", "John Cermak", "John Laplante", "John Verduin", "March Smith",
"Phil Slowiak", "Steve Ginski", Valmichael Leos

Thanks Barbara – Please let us know when you would like to have a call tomorrow and I will get it scheduled.

Regards,
David Keith

From: Nann.Barbara@epamail.epa.gov [mailto:Nann.Barbara@epamail.epa.gov]
Sent: Tuesday, April 27, 2010 4:34 PM
To: David Keith
Cc: Al Axe; Andrew Shafer; Francis Chin; John Cermak; John Laplante; John Verduin; March Smith; Phil Slowiak; Steve Ginski; Leos.Valmichael@epamail.epa.gov
Subject: Re: San Jacinto TCRA SOW

David's comments are duly noted. Val and I need to look at the AOC and SOW to make changes to address them tomorrow morning and send you the both finalized SOW and AOC. We are available to have a call tomorrow and go over those changes. As to deadline for the AOC signature, the agency will make a decision as to the deadline tomorrow morning. If the changes are minor, I do not expect a lot of time given for review by the PRP Group.

Barbara A. Nann

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San Jacinto TCRA SOW

David Keith to: Valmichael Leos, Barbara Nann

04/27/2010 10:57 AM

Cc: "March Smith", "Andrew Shafer", "Al Axe", "Steve Ginski", "Phil Slowiak", "Francis Chin", "John Verduin", "John Laplante", "John Cermak"

Valmichael:

We have reviewed the revised SOW that we received yesterday and wanted to follow up with a few questions/concerns:

1. EPA has moved the Removal Action Work Plan (Task 2d) so that it is due after the Engineering Analysis (Task 1), Sampling and Analysis Plan (2a), Data Collection and Evaluation (2b) and TCRA design (2c). Under the Respondent's proposal, the Work Plan was the first deliverable after the Engineering Analysis of all Removal Options (Task 1) and we were planning to have the sampling and analysis plan attached to it (as is still noted in EPA's Task 2d of the SOW). The current version of the SOW is not consistent with Paragraph 44 of the AOC, which reads as follows:

a. Within 14 days after the Effective Date, Respondents shall submit to EPA for approval a draft Work Plan for performing the removal action generally described in Paragraph 43 above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the actions required by this Settlement Agreement. EPA shall require preparation of a Quality Assurance Project Plan ("QAPP") as part of the Work Plan. The QAPP should be prepared in accordance with "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" (EPA/240/B-01/003, March 2001), and "EPA Guidance for Quality Assurance Project Plans (QA/G-5)" (EPA/600/R-98/018, February 1998). Respondents may elect to rely upon the QAPP submitted to and approved by EPA under the UAO for RI/FS.

b. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan in whole or in part. If EPA requires revisions, Respondents shall submit a revised draft Work Plan within fourteen (14) days of receipt of EPA's notification of the required revisions. Respondents shall implement the Work Plan as approved in writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be incorporated into and become fully enforceable under this Settlement Agreement.

c. Respondents shall not commence any Work except in conformance with the terms of this Settlement Agreement. Respondents shall not commence implementation of the Work Plan developed hereunder until receiving written EPA approval pursuant to Paragraph 44(b).

We need to revise the AOC so that it allows for the Engineering Analysis of all Removal Options (Task 1), and we should keep the Removal Action Work Plan as Task 2a so that we are consistent with the AOC in regards to SAP/QAPP development, etc.

2. Task 2b. EPA is requiring any data collection and evaluation be completed within 14 days after the submittal of the Sampling and Analysis Plan. Under the Respondent's proposal, this was due within 45 days after EPA approval of the Removal Action Work Plan and associated SAP. It is not likely that we can sample, obtain the laboratory analyses, validate the data, and evaluate the data in 14 days. We would be lucky to have the data back from the laboratory in that time frame depending on what additional field work is required. Right now, we are scheduled to collect most, and possibly all of the engineering data that will be required for the TCRA design in the first two weeks of May as part of the RI/FS sediment sampling implementation. However, depending on what the preferred alternative is after the Engineering Analysis (Task 1), we may need to collect additional data and I don't think it will be possible to collect, analyze, validate and evaluate any additional data in a 14 calendar day period.

3. The TCRA Design (Task 2c) is due 7 days after submittal of the Data Collection and Evaluation Report (Task 2b). This is not enough time to develop and submit a full design package - We had asked for 30 days after the Data Collection and Evaluation Report was approved. Moreover, the SOW schedule does not provide time for the EPA review and approval of the Data Collection and Evaluation Report.

4. Generally, the Project Schedule in the SOW has subsequent tasks due within X days of the *submittal* of the previous document. It seems that those dates should be based on *approval* of the submittals by EPA in case corrections or revisions to a submittal need to be made prior to moving forward with the next step in the process. Another example of this is EPA's review and approval of the Engineering Analysis of all Removal Options. The schedule does not take into account EPA's review time. Respondents need EPA's approval of this deliverable before moving forward with the other items.

5. The Project Schedule also states that the TCRA Implementation is due 14 days after submittal of the Removal Action Work Plan. We think the TCRA implementation is more appropriately based on EPA approval of the TCRA design.

In addition to these significant issues, the following also provides some minor typos that need to be corrected:

- Paragraph I, 3d line, change "six" to "five".
- Paragraph II, 1st line, change "purpose" to "purposes".
- Task 1, 2d paragraph, 3d line - change "through" to "thorough".
- Task 2d, last bullet - change "ARAB" to "ARARs".

Can you provide clarification on these issues. Please don't hesitate to call if you would like to

discuss. If it would be easier to set up a Web-x conference call so we can review and make changes to the document together in the interest of time I will be happy to set one up.

Thanks,
David Keith

David C. Keith, Ph.D., RG, CHG

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